

Introduced by Senator Wolk

February 23, 2012

An act to amend Section 65007 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as introduced, Wolk. Planning and zoning: levees.

The Planning and Zoning Law defines the term "project levee" to mean, for purposes of that law, any levee that is part of the facilities of the State Plan of Flood Control.

This bill would define the term "nonproject levee" to mean, for purposes of that law, any levee that is not part of the facilities of the State Plan of Flood Control.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65007 of the Government Code is
2 amended to read:
3 65007. As used in this title, the following terms have the
4 following meanings, unless the context requires otherwise:
5 (a) "Adequate progress" means all of the following:
6 (1) The total project scope, schedule, and cost of the completed
7 flood protection system have been developed to meet the
8 appropriate standard of protection.
9 (2) (A) Revenues that are sufficient to fund each year of the
10 project schedule developed in paragraph (1) have been identified
11 and, in any given year and consistent with that schedule, at least

1 90 percent of the revenues scheduled to be received by that year
2 have been appropriated and are currently being expended.

3 (B) Notwithstanding subparagraph (A), for any year in which
4 state funding is not appropriated consistent with an agreement
5 between a state agency and a local flood management agency, the
6 Central Valley Flood Protection Board may find that the local
7 flood management agency is making adequate progress in working
8 toward the completion of the flood protection system.

9 (3) Critical features of the flood protection system are under
10 construction, and each critical feature is progressing as indicated
11 by the actual expenditure of the construction budget funds.

12 (4) The city or county has not been responsible for a significant
13 delay in the completion of the system.

14 (5) The local flood management agency shall provide the
15 Department of Water Resources and the Central Valley Flood
16 Protection Board with the information specified in this subdivision
17 sufficient to determine substantial completion of the required flood
18 protection. The local flood management agency shall annually
19 report to the Central Valley Flood Protection Board on the efforts
20 in working toward completion of the flood protection system.

21 (b) “Central Valley Flood Protection Plan” has the same
22 meaning as that set forth in Section 9612 of the Water Code.

23 (c) “Developed area” has the same meaning as that set forth in
24 Section 59.1 of Title 44 of the Code of Federal Regulations.

25 (d) “Flood hazard zone” means an area subject to flooding that
26 is delineated as either a special hazard area or an area of moderate
27 hazard on an official flood insurance rate map issued by the Federal
28 Emergency Management Agency. The identification of flood
29 hazard zones does not imply that areas outside the flood hazard
30 zones, or uses permitted within flood hazard zones, will be free
31 from flooding or flood damage.

32 (e) “Nonproject levee” means any levee that is not part of the
33 facilities of the State Plan of Flood Control.

34 ~~(e)~~

35 (f) “Nonurbanized area” means a developed area or an area
36 outside a developed area in which there are fewer than 10,000
37 residents.

38 ~~(f)~~

39 (g) “Project levee” means any levee that is part of the facilities
40 of the State Plan of Flood Control.

~~(g)~~

(h) “Sacramento-San Joaquin Valley” means lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

~~(h)~~

(i) “State Plan of Flood Control” has the same meaning as that set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

~~(i)~~

(j) “Tulare Lake basin” means the Tulare Lake Hydrologic Region as defined in the California Water Plan Update 2009, prepared by the Department of Water Resources pursuant to Chapter 1 (commencing with Section 10004) of Part 1.5 of Division 6 of the Water Code.

~~(j)~~

(k) “Urban area” means a developed area in which there are 10,000 residents or more.

~~(k)~~

(l) “Urbanizing area” means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

~~(l)~~

(m) “Urban level of flood protection” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources.